



## **MEMORANDUM**

**To: PLANNING COMMISSION**

**Date: June 12, 2007**

**From: COMMUNITY DEVELOPMENT DEPARTMENT**

**Subject: General Plan Amendment and Zoning Amendment Applications, GPA-06-04/ZA-06-17: Barrett – Colson & Colson Construction**

### **REQUEST**

The applicant is requesting approval of a General Plan Amendment to change the land use designation of a 5.3-acre site from Industrial to Multi-Family Medium. The applicant is also requesting approval of a Zoning Amendment to: 1) change the zoning designation of the site from ML, Light Industrial(Planned Unit Development) to R3, Medium Density Residential (Residential Planned Development); and 2) adopt a precise development plan for the construction of a congregate retirement residence approximately 115,600-sf in size.

### **RECOMMENDATION**

Environmental Assessment:	Recommend Council adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program
Application, GPA-06-04:	Recommend Council approval of the General Plan Amendment, subject to the findings and conditions of the attached resolution
Application, ZA-06-17:	Recommend Council approval of the Zoning Amendment, subject to the findings and conditions of the attached resolution
Processing Deadline:	August 14, 2007

### **PROJECT DESCRIPTION**

The applicant proposes to construct a 136-unit congregate retirement residence approximately 115,600-sf in size. A total of 150 bedrooms are proposed to house up to 150 seniors. One common dining area will serve the entire facility, as individual kitchens will not be provided in

the units. Services to be offered residents include transportation, meals, laundry/housekeeping and a beauty salon. No medical services will be provided on-site. Refer to the applicant's Statement of Proposed Operations for additional information.

The project site is 5.3 acres in size and is currently vacant, undeveloped land. The site is located north of Barrett Avenue, on the west side of Butterfield Boulevard. It should be noted that a smaller 0.57-acre parcel is located between the project site and Butterfield. The applicant contacted the adjacent land owner in an attempt to include their property in the GPA and ZA applications. However, the adjacent land owner declined. The project will provide a cross access easement over the project site to the adjacent property in order to minimize curb cuts along Barrett Avenue and Butterfield Boulevard.

## **CASE ANALYSIS**

### **General Plan Amendment**

The project site is currently designated Industrial on the General Plan Map, and is bordered by Industrial-designated property to the south and west. Residential-designated property is located to the north and east, across Butterfield Boulevard (see attached aerial photograph). The applicant is requesting to amend the General Plan land use designation to Multi-Family Medium to allow for the proposed retirement facility. A Multi-Family Medium Designation would provide a transition from the Multi-Family Low designated properties east of the project site to the Industrial properties to the west.

Staff evaluated the proposed General Plan Amendment (GPA) request based on four considerations: 1) site suitability; 2) compatibility between adjacent residential and industrial uses; 3) conversion of vacant industrial lands; and 4) consistency with the General Plan.

- *Site Suitability*

The project site is located in an industrial area where large trucks routinely pass en route to the neighboring industrial uses. Also, there are no retail, entertainment or recreational facilities in close walking distance for the residents of the retirement facility to explore.

According to the project applicants, residents are primarily in their early eighties and generally do not walk off-site (a walking trail is provided on-site for recreational exercise). Residents are provided transportation services to and from activities, shopping and medical appointments. Also, the applicants state they have managed many successful retirement facilities in other parts of the country and Canada where the residence is located adjacent to industrial uses, freeways/highways, and railroad tracks. For the Commission's reference, a list of these existing facilities is attached. The applicants feel the site is suitable for the proposed use.

It should be noted the applicants did search for alternative sites in Morgan Hill that are closer to residential, retail and recreational facilities. However, no other sites were available that better suited the applicants' needs.

- *Residential/Industrial Adjacency*

A number of industrial uses in the immediate project vicinity use, handle, and store hazardous materials, which pose a potential threat to the retirement residents in the event of an accidental release. As part of the project environmental assessment, a Vicinity Hazardous Materials review was conducted for properties located within a ¼ mile of the site. This effort included a review of Santa Clara County Fire Department files and Material Safety Data Sheets, as well as interviews with select facility representatives to evaluate their onsite storage of hazardous materials, engineering controls, and/or emergency response. Based on this review, it was determined that routine operations and a possible accidental release at the current uses of nearby facilities would not pose a substantial threat to the project site.

It should also be noted the applicant proposes to construct a six-ft masonry wall, provide landscape screening and incorporate generous setbacks along the west property boundary (adjacent to the industrial uses) to mitigate any potential compatibility issues from day-to-day operations.

- *Vacant Industrial Lands Inventory*

In recent years the City has received a number of inquiries and requests to convert Industrial lands to non-industrial uses. Approval of the current GPA request would result in the loss of an additional 5.3 acres. In 2006, the City hired a consultant to prepare an industrial lands market study to compare the existing supply of industrial land within Morgan Hill's Urban Growth Boundary to the projected demand for industrial land. The results of the study found an existing inventory of industrial land and buildings that is adequate to accommodate the projected demand for at least 31 years. Therefore, the proposed project would not result in a significant loss in the City's industrial lands inventory.

- *Consistency with the General Plan*

Policy 8e of the Community Development Element states, "*Design residential neighborhoods so they are distinct and separated from conflicting non-residential uses.*" The proposed project conflicts with this General Plan policy as it introduces a residential use in an industrial area. The project is consistent, however, with General Plan Policies 3d and 3e of the Housing Element. Policy 3d of the Housing Element reads, "*Assist in providing housing for seniors.*" and Policy 3e states, "*Assist in providing housing related services to groups with special needs.*"

In the applicant's Letter of Justification (attached for the Commission's reference), the applicant states, "The amendment will assist the community in meeting General Plan Goal 7 "*A variety of housing types and densities available to all residents.*" The proposed Morgan Hill Retirement Residence will specifically work towards Policy 7d "*Encourage higher residential densities at locations where convenient access and adequate infrastructure is readily available.*" The Residence will increase density while reducing impacts on roads and utility infrastructure by providing communal services for residents." The applicant also points out that "Morgan Hill currently has a Congregate Care Housing shortage...Enabling the development of the proposed Morgan Hill Retirement Residence through this amendment will assist in meeting this need."

## **Zoning Amendment**

There are two components to the Zoning Amendment application: a request to amend the zoning designation of the site and a request to adopt a precise development plan for the retirement residence.

- *Zoning Designation*

The project site is currently zoned ML, Light Industrial (Planned Unit Development). The applicant proposes to change the zoning designation to R3, Medium Density Residential (Residential Planned Development) to be consistent with the Multi-Family Medium General Plan designation. An RPD overlay is required for a building height exception discussed in detail below.

- *Precise Development Plan*

The applicant proposes to construct a congregate retirement residence that will be three stories tall and 115,637 sf in size. The building has been designed in a reverse 'S' shape in order to preserve two large oak trees and to utilize the building as a buffer between Butterfield Boulevard and a passive open space area in the rear. Increased setbacks are provided on all sides of the building and a recreational trail meanders throughout the site. A total of 90 parking spaces will be provided, which meets the City's parking requirement for retirement inns. The project complies with all site development standards for the R3 zoning district with one exception. The maximum building height allowed in a R3 zone is 30 feet. The applicant proposes to construct the building at approximately 42 feet in height, with a 47-ft tall tower. The proposed building would be compatible with the neighboring industrial zoned lands which are allowed to construct buildings up to 50 ft in height. The applicant is requesting approval of the height exception with adoption of the precise development plan and approval of the R3(RPD) zoning designation.

Staff supports the creation of congregate senior housing in the community; however, the physical and operational design of the facility is critical to its success. Ample space must be designated for group activity areas, the necessary support services must be provided, and the needs of its residents must be met. In order to ensure the proposed facility will meet the needs of its residents in its daily operations and the needs of the community by providing desirable senior housing, Staff recommends that a conditional use permit be required for the congregate retirement residence. By doing so, Staff will be able to evaluate the facility floor plan, review the proposed services and activities in greater detail, and based on these factors determine the appropriate number of units that should be provided on-site. A conditional use permit will also allow the City to impose conditions to ensure the facility is maintained in accordance with an approved Statement of Operations.

## **Environmental Assessment**

An environmental assessment was completed for the proposed project, and potential impacts to the following areas were identified: air quality, biological resources, and noise. These potential impacts are typical for projects that are similar in nature and scale, and will be mitigated through standard mitigation measures as listed in the attached Mitigated Negative Declaration.

Implementation of these measures will reduce potential impacts to a less than significant level. Staff recommends approval of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program as attached.

### **RECOMMENDATION**

Staff recommends adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and approval of the General Plan Amendment and Zoning Amendment requests subject to the findings and conditions of the attached resolutions.

#### **Attachments:**

1. Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program
2. General Plan Resolution
3. Zoning Amendment Resolution
4. Applicant's Letter of Request
5. Applicant's Statement of Proposed Operations
6. List of Existing Facilities
7. Vicinity Map
8. Aerial Photograph

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COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

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17555 Peak Avenue Morgan Hill CA 95037 (408) 779-7247 Fax (408) 779-7236  
Website Address: [www.morgan-hill.ca.gov](http://www.morgan-hill.ca.gov)

**DRAFT**  
**MITIGATED NEGATIVE DECLARATION**

**I. DESCRIPTION OF PROJECT:**

**Date:** May 11, 2007

**Application #s:** GPA 06-04, ZA 06-17

**APN:** 817-30-050

**Project Title:** Barrett-Colson Morgan Hill Retirement Residence Project

**Project Location:** The 5.3-acre project site is located at the northwest corner of Butterfield Boulevard and Barrett Avenue in the City of Morgan Hill.

**Project Proponent:** Bob Dwyer, The Nicholson Company  
1680 Dell Avenue  
Campbell, CA 95008

**Project Description:** The project proposes to construct a three-story, 115,637 square foot (s.f.), 136-unit congregate care retirement residence facility.<sup>1</sup> The facility could house up to approximately 150 senior residents.

The project also includes an amendment to the Morgan Hill General Plan and rezoning of the site. The proposed project would amend the City's General Plan land use designation from *Industrial* to *Multi-Family Medium*. The project would also change the zoning on the site from *ML Light Industrial District with a Planned Unit Development Overlay* to *R3 Medium Density Residential District with a Residential Planned Development Overlay*.

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<sup>1</sup> Congregate care provides housing between independent living and the health-related services of an assisted living facility. Congregate care facilities provide social activities, security, and non-health related services such as meals, housekeeping services, and transportation. Congregate care facilities typically assist residents with preparing meals, doing housework, and outside facility shopping and health care appointments.

## II. DETERMINATION

In accordance with the City of Morgan Hill procedures for compliance with the California Environmental Quality Act (CEQA), the City has completed an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, the City makes the following determination:

- Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures are included in the project, and, therefore, this **MITIGATED NEGATIVE DECLARATION** has been prepared.

## III. CONDITIONS (Mitigation and Avoidance Measures):

### A. *Air Quality:*

The following mitigation and avoidance measures shall be implemented during all phases of construction on the project site by project contractors to reduce construction related air quality impacts to a less than significant level:

- In accordance with the City of Morgan Hill Standard Conditions of approval, prior to issuance of grading permit, the applicant shall submit to the Community Development Director for his approval, a management plan detailing strategies for control of dust during construction of the project. The intent of this condition is to minimize construction related disturbance of residents of the nearby or adjacent properties.
- In addition, the Bay Area Air Quality Management District (BAAQMD) has prepared a list of feasible construction dust control measures that can reduce construction impacts to a level that is less than significant. The following construction practices would be implemented during construction of the proposed project:
  - Water all active construction areas at least twice daily.
  - Cover all trucks hauling soil, sand, or other loose materials or require all trucks to maintain at least two feet of freeboard.
  - Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
  - Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
  - Install sand bags or other effective control measures to prevent silt runoff to public roadways.
  - Replant vegetation in disturbed areas as quickly as possible.



*B. Biological Resources*

**Tree-Nesting Raptors**

The following mitigation and avoidance measures will avoid adverse impacts to individual nesting raptors:

- If construction would take place between January and September, a pre-construction survey for nesting raptors shall be conducted by a qualified ornithologist to identify active nesting raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest until the end of the nesting activity.
- The applicant shall submit a report indicating the result of the survey and any designated buffer zones to the satisfaction of the Department of Community Development, Planning Division prior to the issuance of any grading permit.

**Mature Trees**

The following mitigation measures will protect and preserve the two large coast live oaks on the site.

- Prior to initiation of construction activity, temporary barricades shall be installed around all trees in the construction area. Six-foot high chain link fences are to be mounted on steel posts, driven two feet into the ground, at no more than 10-foot spacing. The fences shall enclose the entire area under the dripline of the trees or as close to the drip line area as practical.
- Upon completion of any trenching/grading operation within a tree's dripline, should any roots greater than one inch in diameter be damaged, broken or severed, root pruning to include flush cutting and sealing of exposed roots should be accomplished under the supervision of a qualified Arborist to minimize root deterioration beyond the soil line within 24 hours.
- Pruning of the foliar canopies to include removal of deadwood is recommended and should be initiated prior to construction operations.
- A program of fertilization by means of deep root soil injection is recommended with applications in spring and summer for those trees to be impacted by construction.

- Mulching with wood chips (maximum depth three feet) within tree environments will lessen moisture evaporation from soil, protect and encourage adventitious roots and minimize possible soil compaction.
- Periodic inspections by the site arborist are recommended during construction activities, particularly as trees are impacted by trenching/grading operations.

*C. Noise*

**Interior Noise Levels**

The following mitigation measure will reduce the interior noise levels to 45 dBA or less.

- Prior to the issuance of building permits, a detailed acoustical analysis, in conformance with California Noise Insulation Standards in Title 24, Part 2 of the California Code of regulations (California Building Code), will be required for final design of the proposed congregate care residential uses. The project will incorporate sound control treatments to meet an interior  $L_{dn}$  of 45 dBA or less (with the windows closed) to the satisfaction of the City Building Official.

**III. FINDING**

The City of Morgan Hill Community Development Director hereby finds that the proposed project could have a significant effect on the environment; however, there would not be a significant effect in this case because mitigation measures summarized above and described in the initial study are included in the project.

\_\_\_\_\_  
Kathleen Molloy Previsich  
Community Development Director

Date: \_\_\_\_\_

**MITIGATION MONITORING AND REPORTING PROGRAM**

**BARRETT-COLSON  
MORGAN HILL RETIREMENT PROJECT**

**GPA 06-04, ZA 06-17**



**CITY OF MORGAN HILL**

**JUNE 2007**

## **P R E F A C E**

Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the MMRP is to ensure compliance with the mitigation measures during project implementation.

On June \_\_, 2007, the Mitigated Negative Declaration was approved for the Barrett-Colson Morgan Hill Retirement Project. The Initial Study/Negative Declaration concluded that the implementation of the project could result in significant effects on the environment; therefore, mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This MMRP addresses these measures in terms of how, when, and by whom they will be implemented.

The Barrett-Colson Morgan Hill Retirement Project proposes a General Plan Amendment (GPA). This MMRP does not include mitigation for the GPA portion of the project pursuant to CEQA Guidelines Section 15097 (b), stating, "Where the project at issue is the adoption of a general plan, specific plan, community plan or other plan-level document (zoning, ordinance, regulation, policy), the monitoring plan shall apply to policies and any other portion of the plan that is a mitigation measure or adopted alternative. The monitoring plan may consist of policies included in plan-level documents. The annual report on general plan status required pursuant to the Government Code is one example of a reporting program for adoption of a city or county general plan. CEQA allows for the annual report on general plan status required pursuant to the Government Code to constitute the reporting program for adoption of a City general plan.

MITIGATION MONITORING AND REPORTING PROGRAM BARRETT-COLSON MORGAN HILL RETIREMENT PROJECT				
Impact	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
<b>AIR QUALITY</b>				
The proposed project could result in significant air quality impacts related to dust generation during construction.	<ul style="list-style-type: none"> <li>In accordance with the City of Morgan Hill Standard Conditions of approval, prior to issuance of grading permit, the applicant shall submit to the Community Development Director for her approval, a management plan detailing strategies for control of dust during construction of the project. The intent of this condition is to minimize construction related disturbance of residents of the nearby or adjacent properties.</li> </ul>	To be implemented during construction by the applicant.	All measures shall be printed on all construction documents, contracts, and project plans.	Director of Community Development Department
	<ul style="list-style-type: none"> <li>In addition, the Bay Area Air Quality Management District (BAAQMD) has prepared a list of feasible construction dust control measures that can reduce construction impacts to a level that is less than significant. The following practices would be implemented during construction of the proposed project: <ul style="list-style-type: none"> <li>Water all active construction areas at least twice daily.</li> <li>Cover all trucks hauling soil, sand, or other loose materials or require all trucks to maintain at least two feet of freeboard.</li> <li>Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.</li> <li>Replant vegetation in disturbed areas as quickly as possible.</li> <li>Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.)</li> </ul> </li> </ul>			

MITIGATION MONITORING AND REPORTING PROGRAM BARRETT-COLSON MORGAN HILL RETIREMENT PROJECT				
Impact	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<ul style="list-style-type: none"> <li>Install gravelbags, fiber rolls, or other effective erosion control measures to prevent silt runoff to public roadways.</li> </ul>			
<b>BIOLOGICAL RESOURCES</b>				
Construction of the proposed congregate care retirement facility could result in impacts to two ordinance size trees located on the site.	<p>In accordance with the tree survey prepared for the site by a qualified professional arborist, the applicant shall implement recommended actions to protect and preserve the two large coast live oaks on the site. These measures include:</p> <ul style="list-style-type: none"> <li>Prior to initiation of construction activity, temporary barricades shall be installed around all trees in the construction area. Six-foot high chain link fences are to be mounted on steel posts, driven two feet into the ground, at no more than 10-foot spacing. The fences shall enclose the entire area under the dripline of the trees or as close to the drip line area as practical.</li> <li>Upon completion of any trenching/grading operation within a tree's dripline, should any roots greater than one inch in diameter be damaged, broken or severed, root pruning to include flush cutting and sealing of exposed roots shall be accomplished under the supervision of a qualified Arborist to minimize root deterioration beyond the soil line within 24 hours.</li> <li>Pruning of the foliar canopies to include removal of deadwood shall be initiated prior to construction operations.</li> <li>A program of fertilization by means of deep root soil</li> </ul>	To be implemented by the project applicant, prior to site grading and construction.	All measures shall be printed on all construction documents, contracts, and project plans.	Director of Community Development

MITIGATION MONITORING AND REPORTING PROGRAM BARRETT-COLSON MORGAN HILL RETIREMENT PROJECT				
Impact	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>injection shall be completed with applications in spring and summer for those trees to be impacted by construction.</p> <ul style="list-style-type: none"> <li>Mulching with wood chips (maximum depth three feet) within tree environments shall be completed, which will lessen moisture evaporation from soil, protect and encourage adventitious roots and minimize possible soil compaction.</li> <li>Periodic inspections by the site arborist shall be completed during construction activities, particularly as trees are impacted by trenching/grading operations.</li> </ul>			
Construction during the nesting season could disturb occupied nests, which could result in the loss of eggs or young birds, if nesting raptors are present in the trees on the project site.	<p>The following mitigation measures will avoid adverse impacts to individual nesting raptors:</p> <ul style="list-style-type: none"> <li>If construction would take place between January and September, a pre-construction survey for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these</li> </ul>	To be implemented by the project applicant, prior to site grading and construction.	All measures shall be printed on all construction documents, contracts, and project plans.	Director of Community Development

MITIGATION MONITORING AND REPORTING PROGRAM BARRETT-COLSON MORGAN HILL RETIREMENT PROJECT				
Impact	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>activities, the ornithologist shall, in consultation with the State of California, Department of Fish &amp; Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest until the end of the nesting activity.</p> <ul style="list-style-type: none"> <li>The applicant shall submit a report indicating the result of the survey and any designated buffer zones to the satisfaction of the Department of Community Development, Planning Division prior to the issuance of any grading permit.</li> </ul>			
<b>NOISE</b>				
The proposed congregate care retirement facility would be exposed to exterior noise levels exceeding 60 dBA Ldn.	<p>Prior to the issuance of building permits, a detailed acoustical analysis, in conformance with California Noise Insulation Standards in Title 24, Part 2 of the California Code of regulations (California Building Code), will be required for final design of the proposed congregate care residential uses. The project will incorporate sound control treatments to meet an interior <math>L_{dn}</math> of 45 dBA or less (with the windows closed) to the satisfaction of the City Building Official.</p>	<p>During construction, the project applicant shall ensure the noise attenuation measures are implemented.</p>	<p>All measures shall be printed on all construction documents, contracts, and project plans.</p> <p>Prior to issuing a Certificate of Occupancy, the City will verify the approved noise attenuation measures were incorporated into the project.</p>	Chief Building Official

**SOURCE:** City of Morgan Hill, *Barrett-Colson Morgan Hill Retirement Project Initial Study, May 2007.*



**RESOLUTION NO. 07-**

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF MORGAN HILL RECOMMENDING  
APPROVAL TO AMEND THE LAND USE DESIGNATION OF  
A 5.3 ACRE SITE LOCATED NEAR THE NORTHWEST  
CORNER OF BUTTERFIELD BOULEVARD AND BARRETT  
AVENUE FROM INDUSTRIAL TO MULTI-FAMILY  
MEDIUM (APN 817-30-050)**

**WHEREAS**, such request was considered by the Planning Commission at their regular meeting of June 12, 2007, at which time the Planning Commission recommended approval of General Plan Amendment application, GPA-06-04; and

**WHEREAS**, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES  
RESOLVE AS FOLLOWS:**

**SECTION 1.** The General Plan Amendment is consistent with the provisions of the General Plan.

**SECTION 2.** An environmental initial study has been prepared for this application, and has been found complete, correct and in substantial compliance with the requirements of the California Environmental Quality Act. A mitigated Negative Declaration will be filed.

**SECTION 3.** The Planning Commission hereby recommends City Council approval of the General Plan Amendment as shown in the attached Exhibit 'A'.

**PASSED AND ADOPTED THIS 12<sup>th</sup> DAY OF JUNE 2007, AT A REGULAR MEETING OF  
THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

**AYES: COMMISSIONERS:**

**NOES: COMMISSIONERS:**

**ABSTAIN: COMMISSIONERS:**

**ABSENT: COMMISSIONERS:**

**ATTEST:**

**APPROVED:**

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**FRANCES O. SMITH, Deputy City Clerk**

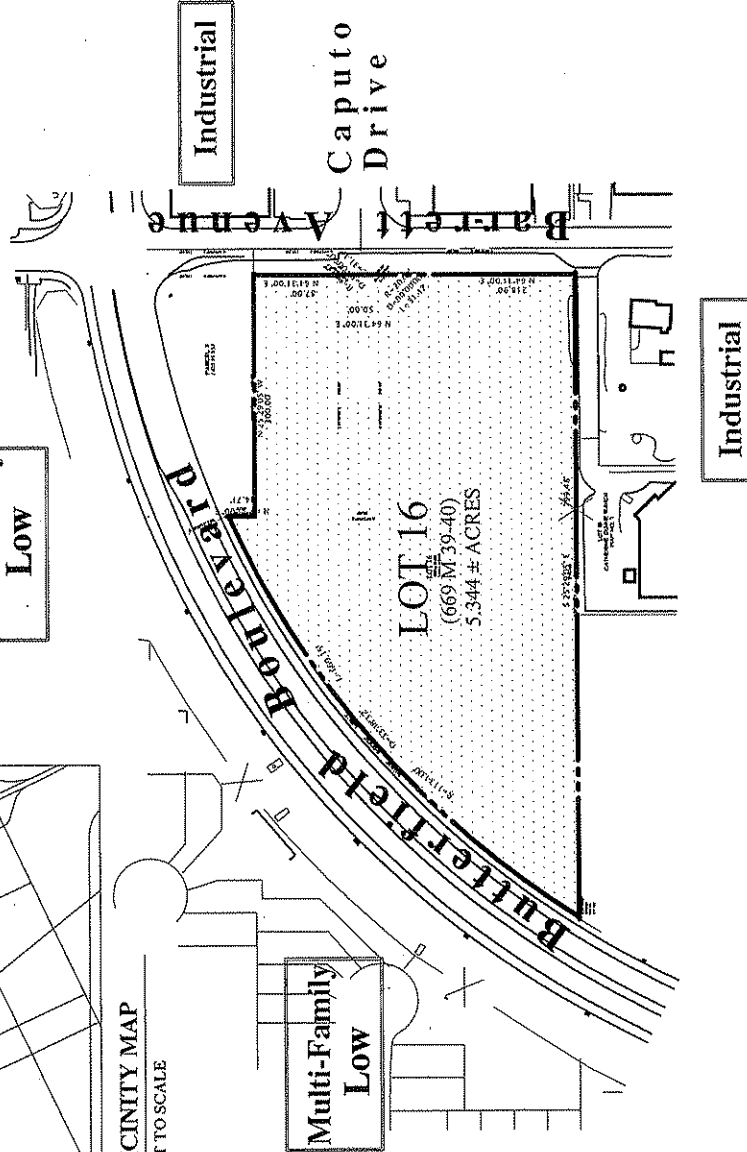
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**ROBERT J. BENICH, Chair**



VICINITY MAP  
NOT TO SCALE

Multi-Family  
Low



Industrial

Industrial

Caputo  
Drive

LOT 16  
(669 M<sup>2</sup> 39.40)  
5.344 ± ACRES

PLANNING DEPT.  
FEB 05 2007  
CITY OF MORGAN HILL

A. P. N. 817-30-050

Applicant:

Curry Brandaw Architects  
2601 25th Street SE, Suite 300  
Salem, OR 97302  
(503) 399-1090

Existing:

Zoning ML,  
Light Industrial District w/ PUD Overlay  
General Plan - Industrial

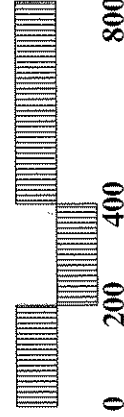
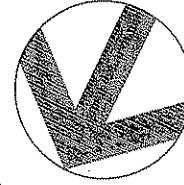
Proposed:

Amend General Plan to  
Multi-Family Medium

# Exhibit "A"

Proposed General Plan Amendment  
to the City of Morgan Hill Entitled

SCALE 1"= 400'-0"  
DATE 12/31/2007





**RESOLUTION NO. 07-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL TO AMEND THE ZONING DESIGNATION OF A 5.3 ACRE SITE LOCATED NEAR THE NORTHWEST CORNER OF BUTTERFIELD BLVD AND BARRETT AVE FROM ML, LIGHT INDUSTRIAL (PLANNED UNIT DEVELOPMENT) TO R3, MEDIUM DENSITY RESIDENTIAL (RESIDENTIAL PLANNED DEVELOPMENT) AND TO ADOPT A PRECISE DEVELOPMENT PLAN FOR THE CONSTRUCTION OF A CONGREGATE RETIREMENT RESIDENCE (APN 817-30-050)**

**WHEREAS**, such request was considered by the Planning Commission at their regular meeting of June 12, 2007, at which time the Planning Commission recommended approval of Zoning Amendment application, ZA-06-17: Barrett – Colson & Colson Construction; and

**WHEREAS**, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:**

- SECTION 1.** The proposed zoning amendment is consistent with the Zoning Ordinance and the General Plan.
- SECTION 2.** The zone change is required in order to serve the public convenience, necessity and general welfare as provided in Section 18.62.050 of the Municipal Code.
- SECTION 3.** An environmental initial study has been prepared for this application and has been found complete, correct and in substantial compliance with the requirements of California Environmental Quality Act. A mitigated Negative Declaration will be filed.
- SECTION 4.** The Planning Commission finds that the proposed RPD Overlay District is consistent with the criteria specified in Chapter 18.18 of the Morgan Hill Municipal Code.
- SECTION 5.** The Planning Commission hereby recommends approval of a precise development plan as contained in that certain series of documents date stamped February 5, 2007, on file in the Community Development Department, entitled "Morgan Hill Retirement Residence" prepared by Curry Brandaw Architects. These documents, as amended by site and architectural review, show the location and dimensions of all proposed buildings, vehicle and pedestrian circulation ways,

recreational amenities, parking areas, landscape areas and any other purposeful uses on the project.

**SECTION 6.** As part of the RPD and precise development plan, the Planning Commission recommends approval of a three story structure 42 ft in height for the main building and up to 47 ft in height for the raised tower as illustrated on the representative building elevations. The project shall comply with all other site development standards of the R3 Zoning District.

**SECTION 7.** The Planning Commission hereby recommends approval to amend the City Zoning Map and zoning designation of the 5.3-acre site located near the northwest corner of Butterfield Boulevard and Barrett Avenue from ML, Light Industrial (Planned Unit Development) to R3, Medium Density Residential (Residential Planned Development), as shown in the attached Exhibit 'A'.

**SECTION 8.** The approved project shall be subject to the following conditions:

1. The detention pond along Barrett Avenue shall be setback a minimum of 15 ft from property line.
2. The applicant shall obtain a Conditional Use Permit (UP) for the proposed congregate retirement residence. The total number of units allowed shall be determined as part of the UP review and based on the facility amenities, activities, and services. The applicant shall comply with the conditions of the UP approval.
3. The applicant shall obtain Architectural and Site Review (SR) approval for the proposed congregate retirement residence and shall comply with the conditions of the SR approval.

**PASSED AND ADOPTED THIS 12<sup>th</sup> DAY OF JUNE 2007, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

**AYES: COMMISSIONERS:**

**NOES: COMMISSIONERS:**

**ABSTAIN: COMMISSIONERS:**

**ABSENT: COMMISSIONERS:**

**ATTEST:**

**APPROVED:**

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**FRANCES O. SMITH, Deputy City Clerk**

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**ROBERT J. BENICH, Chair**

PLANNING DEPT.

FEB 05 2007,

CITY OF MORGAN HILL

A. P. N. 817-30-050

Applicant / Preparer:

Curry Brandaw Architects  
2601 25th Street SE, Suite 300  
Salem, OR 97302  
(503) 399-1090

Existing:

Zoning ML,  
Light Industrial District w/ PUD Overlay  
General Plan - Industrial

Proposed:

Amend Zoning to R3 (PD)

## Exhibit "A"

### Zoning Plat

Map Showing Rezoning Lands of \_\_\_\_\_, New Series  
Being a part of Ordinance No. \_\_\_\_\_



SCALE 1" = 200'-0"

DATE 12/31/2007



*Handwritten signature*  
Morgan Hill, California

R2-3,500  
RPD Zoning

ML Zoning  
Industrial

Caputo  
Drive

ML Zoning  
Industrial

Morgan Hill Retirement Residence

Morgan Hill, California

Curry Brandaw Architects  
2601 25th Street SE, Suite 300  
Salem, OR 97302  
(503) 399-1090

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Salem, OR 97302  
(503) 399-1090

File Copy - Do Not Remove



Curry Brandaw Architects

PARTNERSHIP

PLANNING DEPT.

NOV 09 2006

CITY OF MORGAN HILL

November 8, 2006

## **MORGAN HILL RETIREMENT RESIDENCE LETTER OF JUSTIFICATION**

### **GENERAL PLAN**

Provide written justification outlining your request for a General Plan Amendment. This letter must answer the following questions, and provide a detailed explanation of your responses.

#### **1. Explain how the proposed amendment represents the best plan use for the property**

Amending the General Plan from Industrial to Multi-Family Medium will enable a Congregate Retirement Residence to be developed on the property. This use will provide a transitional development between the residential development to the North and East and the Industrial development to the South and West. The property occupies a prominent location on Butterfield Boulevard and the Retirement Residence will provide an appealing front development to screen the existing General Plan Industrial use.

#### **2. Why is the proposed amendment the best interest of the community?**

The amendment will assist the community in meeting General Plan Goal 7 "*A variety of housing types and densities available to all residents.*" The proposed Morgan Hill Retirement Residence will specifically work towards Policy 7d "*Encourage higher residential densities at locations where convenient access and adequate infrastructure is readily available*". The Residence will increase density while reducing impact on road and utility infrastructure by providing communal services for residents.

#### **3. Is there currently a public need for this amendment?**

Morgan Hill currently has a Congregate Care Housing shortage. Morgan Hill Seniors are forced to move outside of Morgan Hill when looking for the accommodations that our facility provides. Enabling the development of the proposed Morgan Hill Retirement Residence through this amendment will assist in meeting this need.

**2. Explain how the proposed Zoning Classification Amendment is in conformance with the General Plan.**

This application is being submitted concurrently with a request for a General Plan Amendment, which is in conformance with this proposed Zoning Classification Amendment.

**3. Explain the purpose for the amendment.**

The amendment is requested to allow the development of a Congregate Retirement Residence on a site currently zone ML – Light Industrial.



### Statement of Proposed Operations

a. Bedroom count;

**150**

b. Number of anticipated employees;

**15 full time equivalent**

c. Number of anticipated residents;

**150**

d. Personal services anticipated on-site (e.g. laundry facilities);

**Transportation, Meals, Laundry / Housekeeping, Beauty Salon**

e. Proposed activities;

**TV Lounge, Excessive & Craft Room**

f. Visitor hours (if applicable);

**Visitor hours are not regulated.**

g. Limitation on number of vehicles allowed per resident (if applicable);

**There is no limitation on vehicle numbers, our experience has shown that approximately 15% of residents choose to own a vehicle.**

h. Transportation service available to residents (if applicable); and

**A private van service is provided on request to transport residents as required.**

i. Medical services provided on-site (if applicable),

**No medical services are provided on site.**

### **Retirement Residence Sites adjacent to Industrial and Commercial Sites**

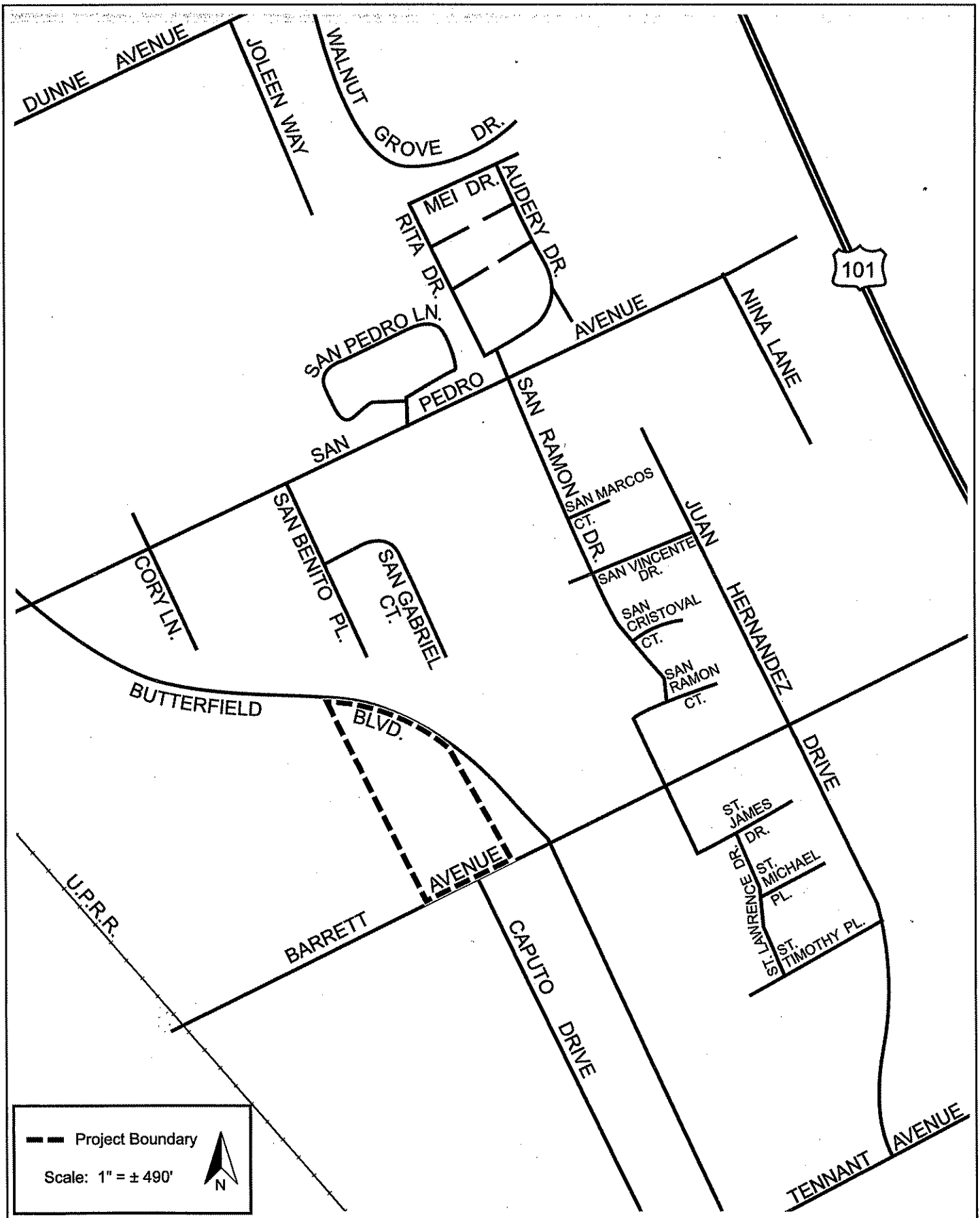
Portland ME 259 Canco RD	Adjacent to IL zoned property & across the street from a commercial bottling plat zoned IM
White Bear Lake MN 3666 East County Line Rd	Located behind a gasoline service station at the intersection of two major arterial streets.
Surprise AZ 18510 N Parkview Place	Adjacent to a tire shop
Lemoyne PA 20 N 12 <sup>th</sup> St	Adjacent to an auto muffler shop
Dallas TX 3362 Forest Lane	Adjacent to a storage facility
Hilton Head SC 110 Gardner Drive	Adjacent to a concrete plant

### **Retirement Residence Sites Adjacent to Freeways and Highways**

Bakersfield CA 3201 Columbus St	Adjacent to Highway 178
Helena MT 2801 Colonia Dr	Adjacent to Interstate 15
St Joseph MO 1602 Buckingham St	Adjacent to Interstate 29 and Highway 6
Richmond VA 300 Twinridge Ln	Adjacent to Highway 60

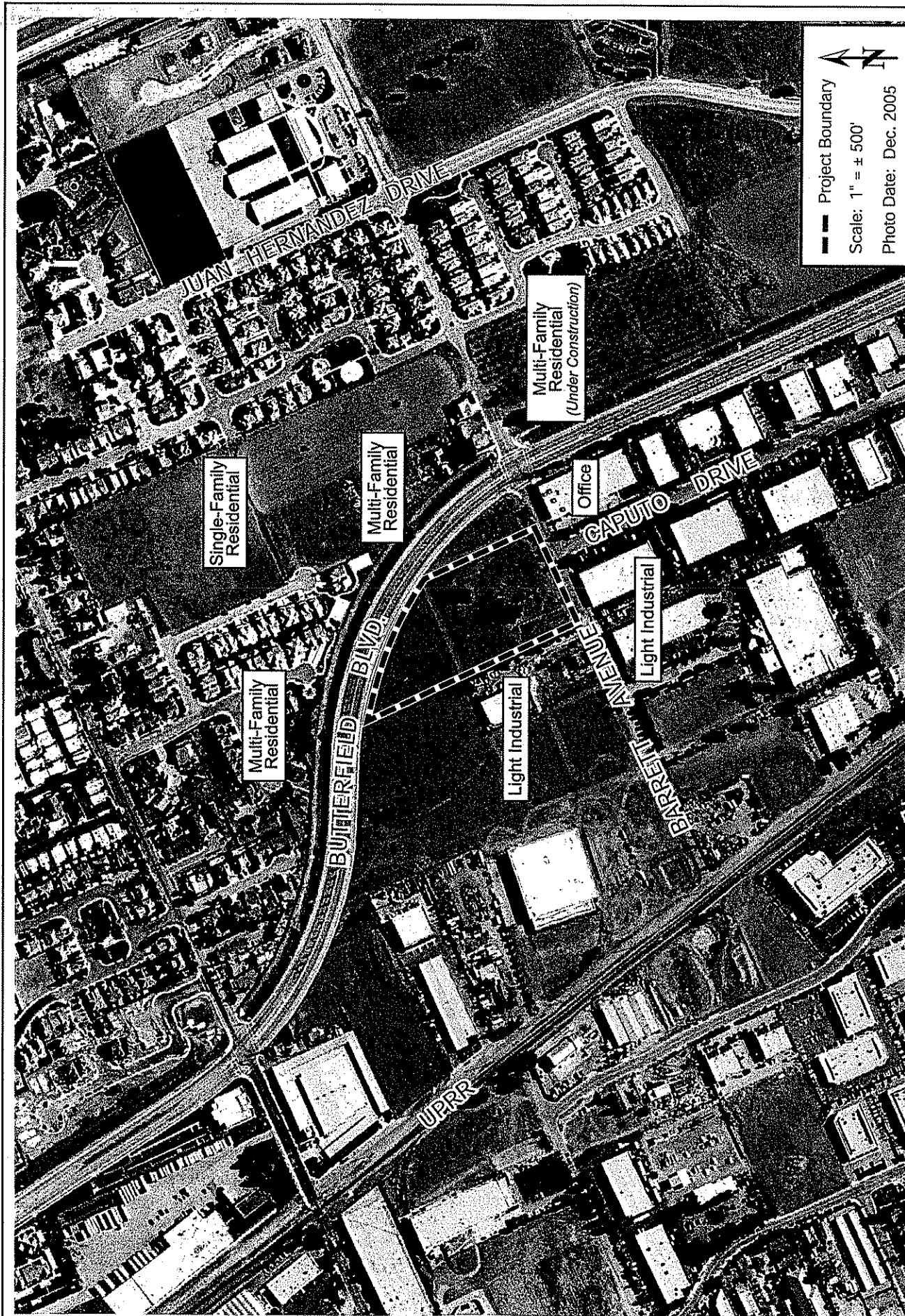
### **Retirement Residence Sites adjacent to Railroad Facilities**

Wake Forest NC 1151 South Main Street	Railroad tracks and right of way runs along the East lot line
Round Rock TX 310 Chisholm Trail	Railroad tracks are across the street from the Easterly lot line
Lethbridge Alberta 110 Scenic Drive North	Railroad tracks run along the South lot line



VICINITY MAP

FIGURE 2.0-2



AERIAL PHOTOGRAPH

FIGURE 2.0-3